**THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

**W.P.No. 6573 Of 2004**

**Dated: 4th October, 2005**

Between:

Smt. Paturi Venkata Subbayamma and Others …Petitioners

A N D

1. The State of A.P. rep. by its Prl. Secretary

to Revenue, Now designated as the Special Chief

Secretary to Government, Secretariat, Hyderabad

And Others

….Respondents

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**ORDER:**

1. This writ petition has been filed by the petitioners who are eight in number assailing the order dated 25-2-2004 passed in C.C.ULC/1404/76-A on the file of the Special Officer and Competent Authority, Urban Land Ceilings, Guntur.

2. The facts of the case in brief leading to filing of this writ petition are:-

3. One Chunduri Venkat Ratnam filed a statement under Section 6-(1) of the Urban Land Ceiling Act ( hereafter referred to as 'the Act') declaring the property held by him. After due enquiry final statement under Section 9 of the Act came to be issued. He was found to be holding surplus land to the extent of 4191.91 square meters. A notification under Section 10(3) also came to be issued. After the death of the declarant, his wife, son and two major daughters filed petitions before the Competent Authority-Special Officer for review of the order, on the ground that the daughters became majors on the notified date and, thereby, they are entitled to one unit each. Proceedings came to be reopened and final orders came to be passed by the Special Officer-Competent Authority, Urban Land Ceiling, Guntur on 25-2-2004 allowing two units to the major daughters and, thereby, reviewing the order passed earlier and declaring that the family of the declarant is liable to surrender 191.92 square meters. Assailing the order, the petitioners filed this writ petition, invoking jurisdiction under Article 226 of the Constitution of India.

4. Heard the learned counsel for the petitioners and learned Government Pleader for Assignment on behalf of the Respondents 1 to 9 and Sri O.Damodar Reddy appearing for respondents 11 to 14.

5. Learned counsel for the petitioners submits that the proceedings under Urban Land Ceiling Act came to be concluded during the life time of Chanduri Venkat Ratnam and, therefore, his representatives are not entitled for reviewing of the orders which reached finality. He further submits that the legal representatives of Chunduri Venkat Ratnam played fraud on the Government by placing fabricated document with regard to date of birth of his two daughters and thereby, secured allotment of two units in their favour.

6. Sri O. Damodar Reddy, the learned counsel appearing for respondents No. 11 to 14 supported the judgment impugned in the writ petition.

7. The question whether the legal representatives of late Chunduri Venkat Ratnam filed fabricated document with regard to date of birth to claim two units is required to be examined by the original authority or by the appellate authority.

8. It is the grievance of the petitioners that after their filing objections, no opportunity was given to them to participate in the enquiry and thereby, they were deprived to

contradict the stand taken by the legal representatives of Chunduri Venkat Ratnam with regard to the date of birth of his two daughters, who claimed to be majors as on the notified date.

9. Without going into the merits of the case, this writ petition can be disposed of giving liberty to the petitioners to challenge the impugned order in the writ petition by filing appeal under Section 33 of the Act. Under Section 33 of the Act, any person aggrieved by the order made by the Competent Authority is entitled to prefer an appeal.

10. It is the further grievance of the petitioners that in spite of objections filed by the petitioners to the competent authority, no order has been communicated to them. Keeping in view, all the facts and circumstances stated above, I deem it appropriate to dispose of the writ petition giving liberty to the petitioners to file an appeal within 30 days as provided under Section 33 of the Act. The petitioners would be at liberty to urge all points raised in this writ petition before the appellate authority. The status quo order granted on 7-4-2004 in W.P.M.P.No.8503 of 2004 shall continue till the petitioners file an appeal before the appellate authority. No order as to costs.

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B.Seshasayana Reddy,J

4th October, 2005.

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**THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY**

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**4th October, 2005.**